IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.86 OF 2004

IN

SUMMARY SUIT NO.1776 OF 2003

...

Gobindram H. Ahuja ...Plaintiff

v/s.

Ratan Irani & Ors. ...Defendants

...

Mr.Arshad Haidandny for the Plaintiff.

Defendant No.1 present.

Mr.Jaideep Raut i/b Ranjit & Co. for Defendant No.2.

Mr.V.V.Joglekar i/b Lilani Shah & co. for the Defendant No.3.

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CORAM: D.K.DESHMUKH, J.

DATED: 12TH SEPTEMBER,2006

P.C.:

By consent of parties, summons for judgment is disposed of in following terms:

(i) Defendant No.3 shall deposit an amount of Rs.2,00,000/- within a period of twelve weeks from today in this court, with due intimation to the Plaintiff.

(ii) If the amount is so deposited, this summons for judgment shall stand disposed of and leave to defend shall stand granted to the Defendants.

(iii) In case the amount is not so deposited, summons for judgment shall stand granted and the suit of the Plaintiff shall stand decreed against the Defendants in terms of prayer clauses of the suit. In that event, the Plaintiff would be entitled to refund of court fees as per rules.

(iv) In case the amount is deposited by the Defendant

No.3, the Plaintiff shall be permitted to withdraw the amount on furnishing the bank guarantee to the satisfaction of the Prothonotary & Sr.Master and filing an undertaking to redeposit the amount, if so directed by this Court and on such terms and conditions as may be directed by this Court, and further undertaking that in the event of redeposit the rate of interest shall not be less than 12% p.a.

(v) Withdrawal be permitted within a period of eight weeks from the date of deposit. If the Plaintiff does not withdraw the amount within the aforesaid period, then the amount be invested in fixed deposit in any nationalised bank during the pendency of the suit.

(vi) Summons for judgment disposed of.

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